



*United States Attorney*  
Eastern District of New York

DAS:KKO  
F.#2007R00761

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October 28, 2011

By Mail and ECF

To: All Counsel of Record  
(see attached list of recipients)

Re: United States v. Courtney Beckford, et al.  
Criminal Docket No. 09-525 (S-1) (DLI)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby produces the following discovery with respect to the above-captioned case. This letter supplements the discovery letters of October 29, 2009, December 2, 2009, February 18, 2010, October 8, 2010, December 7, 2010 and August 15, 2011, as well as discovery letters to individual counsel on additional dates as noted on the public docket. The government reiterates its request for reciprocal discovery.

Documents

Please find enclosed a set of photograph arrays ("photo-arrays"), each containing six photographs, bearing Bates numbers CELL-USAO 410 through 416. In addition please find enclosed a set of individual photographs bearing Bates numbers CELL-USAO 417-447.

Identification Procedures

The documents described above were used in connection with pretrial identifications by witnesses, including pretrial identifications of defendants Malachi Burris and Courtney Beckford. The identification procedures employed were as follows. Each witness was interviewed separately. The witness was advised that he or she was about to view a set of photographs that may or may not include a person that the witness recognizes. The witness was then shown copies of the photo-arrays described above (Bates numbers CELL-USAO 410 through 416) without comment. The witness was given an opportunity to view the photo arrays and state whether the witness recognized anyone pictured, and if so,

to identify the person(s) the witness recognized. Upon identifying an individual pictured in a photo-array, the witness was then asked to circle the photograph the witness recognized and write the name and/or nickname(s) of the person in the photograph, the witness's own initials and the date of the identification on the copy. Every witness who (1) provided evidence inculcating Malachi Burris and Courtney Beckford, and then (2) viewed the set of photo-arrays using the identification procedures described above, successfully identified Malachi Burris and Courtney Beckford as participants in the charged crime.

Approximately nine months after one witness identified defendants Malachi Burris and Courtney Beckford using the procedure described above, the same witness was asked to review a series of individual photographs. (Bates numbers CELL-USAO 417 through 447). Before viewing the photographs, the witness was advised that the set may or may not include a person or persons that the witness recognizes. The photographs were then placed in front of the witness one at a time without comment. The witness was given an opportunity to view each photograph and state whether the witness recognized the person in the photograph, and if so, to identify that person. Upon identifying an individual pictured in the set of photographs, the witness was asked to write down the name and/or nickname(s) of the person in the photograph, the witness's own initials and the date of the identification. This witness again identified Malachi Burris and Courtney Beckford as participants in the charged crime.

If you have any questions or further requests, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney

By: /s/ Karin Orenstein  
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Enclosures

cc: Court Clerk (DLI) (by ECF w/o enclosures)

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